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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,789	09/28/2001	Margaret E. Elliott	6368-0105	5380
24936	7590	02/08/2005	EXAMINER	
RALPH D CHABOT 2310 E PONDEROSA DR SUITE 4 CAMARILLO, CA 93010			LE, MIRANDA	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,789

Applicant(s)

ELLIOTT ET AL.

Examiner

Miranda Le

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
4a) Of the above claim(s) 3-6 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 2 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Election was made without traverse of Group I, claims 1-2, filed on 11/09/04 is acknowledge. Group II, claims 3-6, are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected.

2. This communication is responsive to Amendment filed 11/09/2004.

Claims 1-2 are pending in this application. Claim 1 is a independent claim. This action is made non-Final.

Priority

3. The Applicant's claim to domestic priority under 35 U.S.C. §119 (e), as a provisional of application serial number 60/261,095, filed on 10 January 2001, and provisional of application serial numbers 60/226,358, filed on 18 August 2000, and 60/226,358, filed on 28 February 2000, is acknowledged.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldensher et al. (US Patent No. 6,282,540), in view of Hancock et al. (US Patent No. 6,295,502 B1).

As per claim 1, Goldensher teaches a search method for identifying spatially relevant information in proximity to a reference location comprising the steps of: providing a spatial lexicography database (i.e. DB 24, Fig. 1) containing locations which define the searchable universe, said database comprising: a) coordinate information; and, b) identifier information (col. 4, lines 1-21, col. 7, lines 26-36);

providing a search criteria comprising a reference location and a search radius about said reference location (col. 4, lines 22-49);

converting said reference location into a three dimensional coordinate (col. 9, lines 9-51);

thereafter, converting said search radius into a coordinate box surrounding said reference coordinate which sets the outer boundary for selecting identifier information (col. 4, lines 22-31, col. 6, lines 1-6 ;

selecting all identifier information from the spatial lexicography database which fall within the coordinate box (col. 5, line 58 to col. 6, line 19, col. 6, lines 24-52, col. 10, lines 14-67).

Goldensher does not expressly teach “providing a second database which contains spatial information”; and “comparing the spatial information of said second database against the selected identifier information where matches of information from both databases identify spatially relevant information”. However, Hancock teaches these limitations at col. 11, lines 38-67.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combined the cited references because Hancock’s teachings involve “providing a second database which contains spatial information”; and “comparing the spatial information of said second database against the selected identifier information where matches of information from both databases identify spatially relevant information” would have allowed Goldensher’s to provide various searching capabilities that allow users to search for particular waypoints or waypoints with particular characteristics.

As per claim 2, Goldensher teaches the spatial lexicography database further comprises attribute information associated with any of said locations (col. 4, lines 35-49);

said search criteria further comprises the use of numerical and character string value parameters for comparison against said attribute information for further refining the selection of identifier information (col. 4, lines 35-61, col. 6, lines 11-45).

Art Unit: 2167

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Himmelstein et al.	US 6,701,307 B2
Halstead et al.	US 6,363,392 B1
Biswas et al.	US 6,594,666 B1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

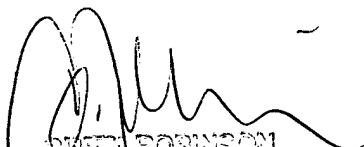
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (571) 272-4107. The fax number to this Art Unit is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le
February 02, 2005



CYNTHIA ROBINSON
PRIMARY EXAMINER